

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES**

December 2, 2004

1:00 p.m.

Palo Alto City Council Chambers

Palo Alto City Hall

250 Hamilton Avenue

Palo Alto, CA 94301

MEMBERS PRESENT:

Douglas Bosco (Public Member), Acting Chairman

Jeremy M. Hallisey (Public Member)

Fred Klass (Designated Representative, Department of Finance)

Susan Hansch (Designated Representative, Coastal Commission)

Karen Scarborough (Designated Representative, Resources Agency)

OVERSIGHT LEGISLATORS PRESENT:

Fran Pavley (Assembly, District 41)

OTHERS PRESENT:

Sam Schuchat, Executive Officer

Pat Peterson, Deputy Attorney General

2. APPROVAL OF MINUTES:

The Minutes of the September 15, 2004 Public Meeting were approved without change.

3. PRESENTATION BY AUDREY RUST, PENINSULA OPEN SPACE TRUST

5. ORMOND BEACH:

Item postponed until January 27, 2005 Public Meeting.

6. BALLONA WETLANDS:

Mary Small of the Conservancy staff presented the Staff Recommendation. Assembly Member Fran Pavley spoke in favor of the project.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seven hundred fifty thousand dollars (\$750,000) for technical studies, planning, data collection, interim management and other work associated with planning the restoration and enhancement of the Ballona Wetlands, subject to the condition that prior to disbursement of any funds for any work, the Conservancy’s Executive Officer shall approve the work plan, budget and the contractor for that work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project authorization is consistent with Public Resources Code Sections 31251-31270, regarding the Conservancy’s mandate to protect and enhance coastal resources.
2. The proposed project authorization is consistent with Public Resources Code Sections 31400-31409, regarding the Conservancy’s mandate to assist in the development of a system of public accessways to and along the coast.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
4. The project serves greater than local need.”

Motion passed by a vote of 5-0.

7. HUENEME BEACH FISHING PIER:

Kara Kemmler of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the City of Port Hueneme to implement the fourth phase of the Hueneme Beach Fishing Pier Restoration, subject to the condition that prior to the disbursement of any funds the City of Port Hueneme shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including scope of work, budget and schedule, and the names of any contractors it intends to use to conduct the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of the Public Resources Code (§31400, *et seq.*) regarding public access and will serve access needs beyond the local community;
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0

8. REGIONAL KELP RESTORATION:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the Santa Monica BayKeeper and not to exceed two hundred thousand dollars (\$200,000) to the California CoastKeeper for the Southern California Bight Regional Kelp Restoration Program to implement the second phase of the Kelp Restoration Program, subject to the condition that prior to disbursement of funds for the project, each grantee shall submit the following for review and written approval of the Executive Officer of the Conservancy:

1. Its final work program, schedule and budget for its project;
2. The names of all contractors it intends to employ for its project; and
3. Evidence of all permits and approvals for its project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The Santa Monica BayKeeper and the California CoastKeeper Alliance are nonprofit organizations existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

9. SAN DIEGO MULTIPLE SPECIES CONSERVATION PLAN:

Marc Beyeler of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Cam Tredennick, representing The Nature Conservancy.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed nine million seven hundred thousand dollars (\$9,700,000) to the Nature Conservancy for acquisition of the Monte Vista Ranch property described the accompanying staff recommendation to implement the Multiple Species Conservation

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Program, as part of California's Natural Communities Conservation Planning (NCCP) program, subject to the following conditions:

1. Prior to the disbursement of any funds, the Executive Officer of the Conservancy ("Executive Officer") shall review and approve all relevant acquisition documents, including but not limited to an appraisal, agreement of purchase and sale and documents of title.
2. Conservancy funds may be used to fund acquisition of the first portion of a phased acquisition if the Executive Officer determines that the acquisition of the first phase alone will accomplish significant protections under the MSCP; that the Nature Conservancy has adequately secured opportunities to acquire the remaining property interests; and that all other funds necessary to carry out the first phase acquisition have been secured.
3. The Nature Conservancy shall pay no more than fair market value for the property as established in an appraisal approved by the California Department of General Services.
4. The Nature Conservancy shall dedicate the property for wildlife habitat preservation, restoration and management, wildlife-oriented education and research, and compatible public uses, consistent with wildlife habitat preservation, in a manner acceptable to the Executive Officer and consistent with Public Resources Code Section 3116(b).
5. Conservancy and Wildlife Conservation Board/Department of Fish and Game funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been reviewed and approved by the Executive Officer.
6. All funds disbursed for this acquisition shall be paid from the Wildlife Conservation Board's NCCP grant to the Conservancy."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed acquisition is consistent with its authority under Public Resources Code Sections 31251-31270 regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Nature Conservancy is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Motion passed by a vote of 5-0.

Nadine Hitchcock of the Conservancy staff presented a report on the San Francisco Bay Conservancy Program. The Conservancy then recognized the efforts of Assemblyman

Byron Sher in establishing the Bay Area Conservancy Program and in support of numerous goals of the Bay Area Conservancy Program and the Coastal Conservancy generally. A photographic was presented to Mr. Sher in recognition of his work in the California Legislature.

10. LAUFFS RANCH:

Nadine Hitchcock of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million five hundred thousand dollars (\$1,500,000) to the Wildlife Conservation Board (“WCB”) for the purpose of acquiring Napa County Assessor Parcel Nos. 015-120-019 and 020; 015-130-009; 015-140-003, 013 and 014; 015-150-011, 012, 013, 014, 015 and 016; 015-160-017 and 018; 015-170-0010, 011, 012 and 013; 015-190-008, 009, 012 and 013; 015-240-005, 006, 007, 008, 009 and 010; and ,015-250-003, and 011, known as the Lauffs Ranch, consisting of approximately 12,475 acres, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the WCB shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
 - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The WCB shall pay no more than fair market value for the Property, as established in an appraisal approved by the Department of General Services
3. The WCB shall permanently dedicate the Property for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property, the design and location of which has been approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

11. NORTH POINT JOINT VENTURE:

Maxene Spellman of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Wendy Elliot, representing the Sonoma Land Trust; Grant Tavis, representing the Bay Institute.

Resolution:

“The State Coastal Conservancy hereby authorizes the following: 1) acceptance of nine hundred eighty-nine thousand four hundred seventy-seven dollars (\$989,477) from the National Oceanic Atmospheric Administration (NOAA); 2) disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) of the NOAA grant to the Sonoma Land Trust (SLT) to acquire the 1,679-acre North Point Joint Venture property in Sonoma county, Assessor Parcel Numbers 068-150-011, -012, -014, -025, -031, -033, -034, -035, -036, -037, -038, and 068-140-007, -008, -018, and 068-160-006, as shown in Exhibit 2 to the accompanying staff recommendation; and 3) disbursement of twenty-five thousand dollars (\$25,000) of Conservancy funds to SLT for pre-acquisition coordination and related expenses. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, the SLT shall submit for the review and approval of the Executive Officer of the Conservancy:
All relevant acquisition documents, including but not limited to the appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, title reports, and documents of title necessary to the acquisition of the North Point Joint Venture property.
2. The SLT shall pay no more than fair market value for the North Point Joint Venture property as established in an appraisal that has been approved by the State Department of General Services.
3. The SLT shall acknowledge Conservancy and NOAA funding by erecting and maintaining on the North Point Joint Venture property a sign that has been reviewed and approved by the Executive Officer.
4. The SLT shall permanently restrict the property to wetland restoration, open space preservation, and public access uses pursuant to Public Resources Code Section 31116(b).”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code 31160-31164, and with the authority of the Conservancy under Section 31104 to accept federal grants.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The SLT is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

12. COYOTE HELLYER COUNTY PARK:

Amy Hutzel of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to Santa Clara County to construct trail improvements at Coyote Hellyer County Park in Santa Clara County. Prior to the disbursement of any funds, Santa Clara County shall submit for review and approval of the Executive Officer of the Conservancy:

1. A work program, budget, and schedule;
2. The names and qualifications of any contractors or subcontractors that the County intends to employ to implement the project;
3. Evidence that all necessary permits and approvals for the project have been obtained; and
4. A sign plan.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31160-31164 regarding projects of the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Motion passed by a vote of 5-0.

13. BAY AREA RIDGE TRAIL:

Abe Doherty of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement to the Bay Area Ridge Trail Council of an amount not to exceed one million and two hundred thousand (\$1,200,000) for planning and feasibility studies, data collection and resource evaluation activities for future construction and development of new Ridge Trail segments and the acquisition of interests in real property. Prior to the disbursement of any Conservancy funds, the Bay Area Ridge Trail Council shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names and qualifications of any subcontractors that it intends to employ for this planning work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

3. The project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31164 regarding the Conservancy's mandate to address the recreational goals of the San Francisco Bay Area.
4. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
5. The Bay Area Ridge Trail Council is a nonprofit organization existing under Section 501(c) 3 of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Motion passed by a vote of 5-0.

14. RIDGE TRAIL:

Abe Doherty of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby approves the Mitigated Negative Declaration for the Napa Solano Ridge Trail construction project, attached to the accompanying staff recommendation as Exhibit 2; approves the Mitigation Monitoring and Reporting Program for the project, attached to the accompanying staff recommendation as pp. 1-5 of Exhibit 2 ; and further authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Bay Area Ridge Trail Council (BARTC) for construction of the project, subject to the following conditions:

6. Prior to the disbursement of any Conservancy funds, the BARTC shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget, and schedule;
 - b. The names and qualifications of any contractors or subcontractors that the BARTC intends to employ to implement the project;
 - c. Evidence that all necessary permits and approvals for the project have been obtained; and
 - d. A signing plan for the project.
7. The BARTC shall enter into an agreement with the Conservancy sufficient to protect the public interest in any improvement or development constructed as part of this proposed project in accordance with the requirements of Public Resources Code Section 31116(c) and to assure public access and to qualify the BARTC with limited tort immunity under California Government Code Sections 831.2, 831.4, 831.7, and 831.25.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The project is consistent with Public Resources Code Sections 31160-31164 regarding the Conservancy’s mandate to address the recreational goals of the San Francisco Bay Area;
2. The project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 4, 2001.
3. The Bay Area Ridge Trail Council is a nonprofit organization existing under Section 501(c)3 of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.

4. The Mitigated Negative Declaration prepared for the project reflects the Conservancy's independent judgment and analysis.
5. The project, as mitigated, avoids, reduces or mitigates the possible effects of the project to a level of insignificance and therefore there is no substantial evidence that the project, as revised, may have a significant effect on the environment.
6. On the basis of substantial evidence, the Conservancy has rebutted the presumption of adverse effect contained in California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.

There is no substantial evidence before the Conservancy that the project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Code of Regulations Section 753(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

Motion passed by a vote of 5-0.

15. STEELHEAD RESTORATION:

Brenda Buxton of the Conservancy staff presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred twenty-five thousand dollars (\$125,000) to the Center for Ecosystem Management and Restoration ("CEMAR") for an evaluation of the potential of the San Francisco Bay Estuary's streams to provide habitat for restored steelhead runs and to identify restoration projects in at least seven high priority watersheds, subject to the condition that prior to commencement of work, CEMAR shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule for completion and project budget, and the names and qualifications of any contractors to be employed."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.

3. The Center for Ecosystem Management and Restoration is a nonprofit organization existing under Section 501(c) (3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Motion passed by a vote of 5-0.

16. ARROYO GRANDE CREEK:

Tim Duff of the Conservancy staff presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby approves disbursement of an amount not to exceed two hundred eighty-five thousand dollars (\$285,000) to the Coastal San Luis Resource Conservation District (CSLRCD) to implement erosion control projects and to prepare a watershed enhancement and flood management plan for Arroyo Grande Creek that will identify existing conditions and additional priority projects for implementation, subject to the following conditions:

1. Prior to the disbursement of any funds the CSLRCD shall submit for the review and approval of the Executive Officer of the Conservancy separate work programs, schedules, budgets and the names of any subcontractors to be employed in preparation of the watershed enhancement and flood management plan, and in the planning and implementation of erosion control projects.
2. Prior to the disbursement of any funds for implementation of erosion control projects, the CSLRCD shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that it has obtained all permits and approvals required to implement the enhancement actions authorized above.
 - b. A landowner agreement between the CSLRCD and the owner of the land on which a project is to be undertaken, by which the owner authorizes the work and agrees to maintain the improvements for a minimum ten year period following installation of the improvements.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Public Resources Code Section 31220, regarding the Conservancy’s mandate to restore watersheds.

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2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

The proposed project is consistent with local watershed management plans and water quality control plans.”

Motion passed by a vote of 5-0.

17. PIEDRAS BLANCAS:

Janet Diehl of the Conservancy staff presented the Staff Recommendation, amended by the addition of a new condition #8.

Speaking in favor of the Staff Recommendation: Jeff Stump, representing the American Land Conservancy

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two million dollars (\$2,000,000) to the American Land Conservancy (“ALC”) to acquire for public access purposes 20-plus acres west of Highway 1 in northern San Luis Obispo County, currently occupied by the Piedras Blancas Resort, and more particularly described in Exhibits 1 and 2, attached to the accompanying staff recommendation.

Disbursement of these Conservancy funds is subject to the following conditions:

1. Prior to the disbursement of any funds, ALC shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - i. all relevant acquisition documents, including the appraisal, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition; and
 - ii. a signing plan for the property that meets the criteria for use of funds from the “Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000” (Proposition 12); and
 - b. Provide evidence to the Executive Officer that all funds necessary to complete the acquisition have been obtained.
2. ALC shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer of the Coastal Conservancy.
3. ALC shall permanently dedicate the property for public access, natural resource protection and open space preservation, through the deed itself or through another appropriate instrument approved by the Executive Officer.

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4. ALC may transfer its interests in the property to a public agency or nonprofit organization acceptable to the Executive Officer of the Conservancy, provided that the public agency or nonprofit organization agrees to hold, manage and operate these interests in the manner set forth in condition number 3, above.
5. ALC shall record an irrevocable offer to dedicate an easement over the property for the purposes of implementing the Coastal Trail.
6. ALC shall enter into an agreement with the Conservancy, pursuant to Public Resources Code Section 831.5, to provide nondiscriminatory public access on the property.
7. Conservancy funding shall be acknowledged by erecting and maintaining signs on the property, the design and location of which has been reviewed and approved by the Executive Officer.
8. ALC shall acquire the property by June 30, 2005.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 to 31409) regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local need.
4. The American Land Conservancy is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, with purposes consistent with Division 21 of the Internal Revenue Code. ”

Motion passed by a vote of 5-0.

18. POZZI RANCH:

Sheila Semans of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Aimee Crawford, representing the Marin Agricultural Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to

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exceed one million dollars (\$1,000,000) to the Marin Agricultural Land Trust for the purpose of the acquisition of an agricultural conservation easement over the Pozzi Ranch property (Marin County Assessors Parcel Nos. 104-040-03, 104-040-04, 104-040-14, 100-100-15 and 100-100-16), subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Marin Agricultural Land Trust shall:
 - a. Submit for review and approval of the Executive Officer of the Conservancy (the "Executive Officer"), all relevant acquisition documents, including, without limitation, appraisals, purchase agreements, conservation easements, escrow instructions and documents of title; and
 - b. Provide written evidence to the Executive Officer that all other funds necessary to the acquisition have been obtained.
2. The purchase price of the conservation easement shall not exceed fair market value, as established in an appraisal approved by the Executive Officer of the Conservancy.
3. The easement interest acquired under this authorization shall be managed and operated in a manner consistent with the purpose of agricultural conservation, open space preservation and natural resource protection. The property interests acquired under this authorization shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement of which has been reviewed and approved by the Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4 of Division of the Public Resources Code (Sections 31150 *et seq.*), regarding the Conservancy's mandate to address the preservation of agricultural lands.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Marin Agricultural Land Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes, which include the preservation of land for agricultural and open space opportunities, are consistent with Division 21 of the Public Resources Code."

Motion passed 4-0. Mr. Klass was not present.

19. ESTERO AMERICANO:

Richard Retecki of the Conservancy staff presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Joe Pozzi, representing the Gold Ridge Resource Conservation District.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed six hundred fifty thousand dollars (\$650,000) to the Gold Ridge Resource Conservation District for the implementation of ranch resource restoration projects on agricultural properties in the Estero Americano watershed in Marin and Sonoma Counties.

Prior to the disbursement of any Conservancy funds with respect to a particular site:

1. The Executive Officer of the Conservancy (“the Executive Officer”) shall approve in writing a work plan, budget and project schedule, and any contractors and subcontractors to be employed in the project.
2. The grantee shall provide a signing plan for the projects, to include appropriate acknowledgement of the Conservancy.
3. The Gold Ridge RCD shall enter into agreements satisfactory to the Executive Officer with the landowners of that site for the provision of access to the property and maintenance of each project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Conservancy’s Project Guidelines and Selection Criteria adopted by the Conservancy on January 24, 2001.
3. The portions of the project located within the coastal zone have been identified in the Marin County and Sonoma County Local Coastal Plans as requiring public action to resolve existing or potential resource problems.”

Motion passed 4-0. Mr. Klass was not present.

20. CONSENT ITEMS:

The chair removed item 20.F from the Consent Calendar to be taken up separately. Motion was made and seconded to adopt the remaining consent resolutions.

A. NAVARRO POINT:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Mendocino Land Trust (MLT) of an amount not to exceed one hundred and nine thousand dollars (\$109,000) to construct public access improvements at Navarro Point, subject to the following conditions:

1. Prior to the disbursement of any funds, MLT shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget and schedule, detailed site plans, and the names of any contractors to be employed in carrying out the work.
 - b. Evidence that all necessary permits and approvals have been obtained.
 - c. A signing plan for the project acknowledging Conservancy participation.
2. MLT shall enter into an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest and provide for maintenance of the project for no less than twenty (20) years.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Mendocino Land Trust is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.
5. The Conservancy has independently reviewed and considered the CEQA Negative Declaration attached to the accompanying staff recommendation as Exhibit 3, adopted by the Mendocino Board of Supervisors on May 20, 2004 pursuant to the California Environmental Quality Act, and finds that the project, avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment.”

B. POMO BLUFFS PARK:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the City of Fort Bragg of an amount not to exceed six hundred thousand dollars (\$600,000) to restore native vegetation and construct access improvements at Pomo Bluffs Park. This authorization is subject to the following conditions:

1. Prior to disbursement of any funds, the Executive Officer of the Conservancy shall approve in writing:
 - a. A work plan, budget and schedule;
 - b. Any subcontractors to be employed in these tasks; and
 - c. An updated Pomo Bluffs Park Management Plan.
2. On request of the Conservancy, the grantee shall permit alignment of a segment of the California Coastal Trail on the Pomo Bluffs Park, including the City’s access easements, and shall install and maintain sign(s) identifying the property as a segment of the California Coastal Trail, the design, number and placement of which has been approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.”

C. PALCO MARSH:

Resolution:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The revised project remains consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code.
2. The revised project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

The Coastal Conservancy has reviewed the Initial Study and Mitigated Negative Declaration for the Palco (Eureka) Marsh Enhancement Project—Phase IA (attached as Exhibits 3 and 4, respectively, to the accompanying staff recommendation), adopted by the City of Eureka on September 7, 2004 pursuant to the California Environmental

Quality Act, and finds that there is no evidence that the project as mitigated may have a significant effect on the environment as defined in 14 Cal. Code of Regulations Section 15382.”

D. GUALALA BLUFFTOP TRAIL:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five thousand two hundred dollars (\$5,200) to the Redwood Coast Land Conservancy (RCLC) to repair and maintain the Gualala Blufftop Trail, in the town of Gualala, Mendocino County, subject to the condition that the project shall not commence and no funds shall be disbursed for the project until:

1. The Executive Officer has approved in writing:
 - a. a project work program, budget, and timeline and
 - b. the use of any contractors to carry out all or part of the project; and
2. The RCLC has submitted evidence that it has obtained any and all necessary permits.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed Gualala Blufftop Trail project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed Gualala Blufftop Trail project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Redwood Coast Land Conservancy is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

E. TOMALES BAY:

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of thirty-eight thousand dollars (\$38,000) to Marin County for the purpose of obtaining land surveys of eleven public access easements around Tomales Bay, as shown in Exhibit 1. This authorization is subject to the condition that prior to the disbursement of any funds, the County shall submit for the review and approval of the Executive Officer, a work program and the names and qualifications of any contractors to be employed on the project.

Findings:

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“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400 *et seq.* regarding the establishment of a system of public accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

G. GOVERNATOR CREEK:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed forty thousand dollars (\$40,000) to the Community Environmental Council to prepare engineering designs, environmental documentation, and permit applications for the removal of three barriers to fish passage on Gobernador Creek in Santa Barbara County, subject to the following condition: Prior to the disbursement of any funds, the Community Environmental Council shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, budget, and schedule, the names of any contractors to be employed in carrying out the work, and written evidence of each landowner’s permission to enter the project site for purposes of the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project area has been identified in the certified Local Coastal Program of Santa Barbara County as requiring public action to resolve existing or potential resource protection problems.
4. The Community Environmental Council is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

H. ELKHORN SLOUGH:

Resolution:

“The State Coastal Conservancy hereby authorizes its Executive Officer to accept coastal estuaries training grant funds from the National Oceanic and Atmospheric Administration (NOAA) and to disburse these funds to the Elkhorn Slough Foundation (Foundation) to develop and manage the coastal training program at the Elkhorn Slough National

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Estuarine Research Reserve, subject to the condition that prior to the disbursement of any funds by the Conservancy, the Foundation shall submit for review and approval of the Executive Officer a work program, budget, schedule and any contractors or subcontractors to be employed in the program.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Acceptance of federal grant funds by the Conservancy is consistent with the authority of the Conservancy under Public Resources Code Section 31104, and disbursement of the granted funds for the proposed project is consistent with the purposes and criteria in Chapter 6 of Division 21 of the California Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources, and specifically with the Elkhorn Slough Conservation Plan adopted by the Conservancy on December 1, 1999.
2. The proposed action is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project site has been identified in the North Monterey County Local Coastal Program as an environmentally sensitive area requiring public action to resolve existing or potential resource protection problems.
4. The Elkhorn Slough Foundation is a nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources.”

I. SANBORN COUNTY PARK:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seventy-five thousand dollars (\$75,000) to Santa Clara County to complete the trail master plan and environmental documentation for the plan for Sanborn County Park in western Santa Clara County, subject to the condition that no Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing: a final work plan, including a budget and schedule; and any contractors proposed to be used.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31160-31164 regarding projects of the San Francisco Bay Area Conservancy Program; and

2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

J. SOUTH SAN FRANCISCO BAY SALT POND:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to two million dollars (\$2,000,000) for technical studies, planning, data collection, and other work associated with the South San Francisco Bay Salt Pond restoration planning. Prior to entering into agreements for the disbursement of funds pursuant to this authorization, the Executive Officer shall enter into a Memorandum of Understanding with the Wildlife Conservation Board describing the relevant budget and work to be performed and providing for reimbursement of the Conservancy’s expenditures. The Executive Officer is further authorized to enter into a Feasibility Cost Share Agreement with the U.S. Army Corps of Engineers for the expenditure of all or a portion of these funds, matched by an equivalent amount of U.S. Army Corps of Engineers’ funding for the South San Francisco Bay Shoreline Study.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals of San Francisco Bay Area and with its authority under Public Resources Code Section 31104 to accept financial support from public and private sources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

K. MALIBU LAGOON:

Resolution:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31251-31270 of the Public Resources Code:

1. “The State Coastal Conservancy hereby ratifies the Conservancy’s Executive Officer’s acceptance of eight hundred and twenty-five thousand dollars (\$825,000) from the State Water Resources Control Board to develop and implement a lagoon restoration/stewardship program for the Malibu Lagoon; and further authorizes the disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) from these accepted funds to Heal the Bay to prepare a final restoration plan and develop final site plans for Malibu Lagoon, as described in the accompanying staff recommendation, subject to the following condition: Prior to the disbursement of any funds, Heal the Bay shall submit a

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work program, including project tasks, project timeline and budget, and the names and qualifications of any contractors that it intends to employ for review and approval by the Conservancy's Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code Sections 31251-31270.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Heal the Bay is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

L. SAN NICHOLAS CANYON CREEK:

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of funds not to exceed one hundred eighty-eight thousand two hundred fifty dollars (\$188,250) to the Wishtoyo Foundation to complete the San Nicholas Canyon Creek Restoration Project, which implements the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2001, subject to the following condition: Prior to the disbursement of funds, the Wishtoyo Foundation shall (a) submit for the review and approval of the Conservancy's Executive Officer a work plan, budget, the names of any contractors it intends to employ for the project and a signing plan acknowledging the Conservancy's Proposition 12 funding; and (b) enter into an agreement protecting the public interest in the property pursuant to Public Resources Code Section 31116(c)."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
2. The Wishtoyo Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code;
3. The Conservancy has independently reviewed the Negative Declaration prepared by Los Angeles County for the project, and finds that the project will not have the potential for a significant effect on the environment."

M. VALLEJO SWETT RANCH:

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Solano Land Trust toward the acquisition of the Vallejo Swett Ranch in Solano County, Assessor Parcel Numbers 182-040-02, 182-040-04, 182-040-11, 182-050-04, and 182-050-05, as shown on Exhibits 3 and 3a to the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, the Solano Land Trust shall:
 - a. Submit for review and approval of the Executive Officer all relevant acquisition documents including but not limited to, the appraisal, agreement(s) of purchase and sale, escrow instructions, and documents of title.
 - b. Provide evidence to the Executive Officer that all additional funds needed to complete the acquisition have been obtained.
2. The Solano Land Trust shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The Solano Land Trust shall permanently dedicate the property for habitat, open-space preservation, resource enhancement and restoration, and outdoor public recreational use, including segments of the Bay Area Ridge Trail, in a manner acceptable to the Executive Officer, and in accordance with Public Resources Code Section 31116(b).
4. Conservancy and Bay Area Ridge Trail funding shall be acknowledged by erecting and maintaining on the property a sign that has been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying Staff Recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Public Resources Code Sections 31160-31164, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Solano Land Trust is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Motion passed by a vote of 5-0.

20. F ACCESS FOR ALL:

Joan Cardellino of the Conservancy Staff presented the Staff Recommendation. Ms. Cardellino presented and responded to a letter from the Zumbrun Law Firm, representing David Harner, a property owner requesting that the Conservancy deny or continue any decision to disburse funds relating to a public accessway on his property. Motion was made and seconded to approve the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes a grant of thirty-five thousand dollars (\$35,000) to Access For All (AFA), for the purpose of undertaking a variety of site design tasks for coastal access ways in Malibu on easements held by AFA, subject to the condition that prior to the disbursement of any funds, AFA shall submit for the review and approval of the Executive Officer of the Conservancy a detailed work program, and the names and qualifications of any contractors to be employed on the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400-31409 regarding the establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Access For All is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

21. EXECUTIVE OFFICER’S REPORT

Mr. Schuchat asked the Board to adopt a schedule of dates for the 2005 Coastal Conservancy Board meetings. Mr. Schuchat gave a report on the Conservancy budget.

Deputy Executive Officer Steve Horn gave a Long Term Financial Strategy update for the Conservancy.

22. DEPUTY ATTORNEY GENERAL’S REPORT:

There was no Deputy Attorney General’s report.

23. BOARD MEMBER COMMENTS:

There were no Board member comments.

24. PUBLIC COMMENTS:

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Mr. Brent Coffey addressed with Conservancy with regard to a proposed line of conservation clothing he has designed.

25. CLOSED SESSION

The Board did not hold any closed session

26. ADJOURNMENT:

The meeting was adjourned at approximately 4:00 p.m.